

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, in his personal capacity as a candidate for U.S. Senate, ANDY KIM FOR NEW JERSEY, SARAH SCHOENGOOD, SARAH FOR NEW JERSEY, CAROLYN RUSH and CAROLYN RUSH FOR CONGRESS,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her official capacity as Monmouth County Clerk; SCOTT M. COLABELLA, in his official capacity as Ocean County Clerk; PAULA SOLLAMI COVELLO, in her official capacity as Mercer County Clerk; MARY H. MELFI, in her capacity as Hunterdon County Clerk; STEVE PETER, in his official capacity as Somerset County Clerk; HOLLY MACKEY, in her official capacity as Warren County Clerk; NANCY J. PINKIN, in her official capacity as Middlesex County Clerk; JOSEPH GIRALO, in his official capacity as Atlantic County Clerk; JOHN S. HOGAN, in his official capacity as Bergen County Clerk; JOANNE SCHWARTZ, in her official capacity as Burlington County Clerk; JOSEPH RIPA, in his official capacity as Camden County Clerk; RITA M. ROTHBERG, in her official capacity as Cape May County Clerk; CELESTE M. RILEY, in her official capacity as Cumberland County Clerk; CHRISTOPHER J. DURKIN, in his official capacity as Essex County Clerk; JAMES N. HOGAN, in his official capacity as Gloucester County Clerk; E. JUNIOR MALDONADO, in his official capacity as Hudson County Clerk; ANN F. GROSSI, in her official capacity as Morris County Clerk; DANIELLE IRELAND-IMHOF, in her official capacity as Passaic County Clerk; and JOANNE RAJOPPI, in her official capacity as Union County Clerk.

Defendants.

Civil Action No. 3:24-cv-01098

**BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN
SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

-and-

DALE A. CROSS, in his official capacity as Salem County Clerk; and JEFF PARROTT, in his official capacity as Sussex County Clerk; TAHESHA WAY, Esq., in her official capacity as Secretary of State for New Jersey.

As Interested Parties.

PRELIMINARY STATEMENT

Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttie, and Ravi Bhalla hereby moves for leave to file an *amicus curiae* brief in support of Plaintiffs’ motion for preliminary injunction. *See* Plaintiffs’ Brief in Support of Motion for Preliminary Injunction (the “Motion”), ECF No. 5.

ARGUMENT

This Court has broad discretion to permit *amici curiae* to participate in pending cases. *United States v. Alkaabi*, 223 F. Supp. 2d 583, 592 (D.N.J. 2002); *see also Washington Gas & Light Co. v. Prince George’s Cnty. Council*, No. 08-0967, 2012 U.S. Dist. LEXIS 31798, at *9 (D. Md. Mar. 9, 2012) (“District court . . . have discretion whether to grant or deny such leave and often look for guidance to Rule 29 of the Federal Rules of Appellate Procedure.”). Rule 29 provides that motions for leave to file *amicus* briefs must state “the movant’s interest,” as well as “the reason why an *amicus* brief is desirable and why the matters asserted are relevant to the disposition of the case.” Fed. R. App. P. 29(b). The Third Circuit has explained that “it is preferable to err on the side of granting leave” so that court will not “be deprived of a resource that might have been of assistance.” *Neonatology Assocs., P.A. v. Comm’r of Internal Revenue*, 293 F.3d 128, 133 (3d Cir. 2002); *Newark Branch, NAACP v. Town of Harrison*, 940 F.2d 792, 808 (3d Cir. 1991) (holding that *amicus* briefs “insur[e] a complete and plenary presentation of

difficult issues so that the court may reach a proper decision.”) (quoting *Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C. 1974)). Courts consider the following factors in deciding whether to grant *amicus* status: “whether (1) the amicus has a ‘special interest’ in the particular case; (2) the amicus’ interest is nor represented competently or at all in the case; (3) the proffered information is timely and useful; and (4) the amicus is not partial to a particular outcome in the case.”

Bernard v. Cosby, No. 21-18566, 2022 U.S. Dist. LEXIS 143476, at *3 (D.N.J. Aug. 11, 2022).

The *amicus* and their proposed *amicus* brief satisfy those requirements.

Amicus Curiae are all individuals who all have firsthand experience running, planning to run, or currently running in primary campaigns throughout the State of New Jersey providing them special interest in constitutionality of “county line” (hereinafter, “Line”) system voting. The proposed *amicus* brief would be helpful to the Court by providing firsthand experience on the harms Plaintiffs’ allege the use of “county line” (hereinafter, the “Line”) system for primary balloting including the negative Line effects of the “weight of the Line,” the “primacy effect,” “disadvantage for unbracketed candidates,” “ballot gaps between candidates running for the same office/Ballot Siberia,” and/or “forced association” described in Plaintiffs’ Motion. *See* Plaintiffs’ Brief in Support of Motion for Preliminary Injunction (the “Motion”), ECF No. 5-1 at 6-12. Negative effects which the three Plaintiffs in the litigation have not all personally experienced and which at least one of the *amicus*, Mr. Joseph Cohn has experienced in the last month.

None of the *amicus* are submitting this brief as sign of endorsement or disapproval to any of the parties to the litigation. The *amicus* pursuit in this case is a single one: ensuring fair and democratic primaries throughout the State of New Jersey.

CONCLUSION

Joe Cohn, Staci Berger, James Solomon, Valerie Vainieri Huttie, and Ravi Bhalla
respectfully asks to file the attached *amicus* brief.

Dated: March 12, 2024

Respectfully Submitted,

/s/ Angelo Stio

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